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Support HJ 36 - Study Appropriate Compensation for the Wrongfully Convicted

Key Provisions in Wrongful Conviction Compensation Laws:

- Monetary compensation, based upon a set minimum amount for each year served.
- Reasonable standard of proof for eligibility.
- Straightforward process through courts to adjudicate claims.
- Offset provision with federal civil awards/settlements to protect taxpayers.

Montana has a responsibility to restore the lives of the wrongfully convicted to the best of its ability.

Montana took away exonerees' liberty, including countless birthday celebrations, holidays, and everyday moments with family and friends. Compounding the injustice of convicting and incarcerating an innocent person, a wrongful conviction also deprives exonerees of economic opportunities to build a career, obtain assets, and establish savings. Once freed, exonerees often have no access to money, housing, transportation, health services, or insurance. *While there is no way to replace the years that wrongfully convicted people lost, the state should at least provide compensation to help them build a future.*

An exoneree compensation law that provides a fixed amount of money for each year of wrongful incarceration with an offset provision is a better deal for wrongfully convicted and taxpayers. Without a state compensation law, the only option for exonerees is to file a federal lawsuit against the state and/or local entities alleging that their civil rights were violated. These federal lawsuits often take years to resolve, leaving exonerees without help when they are first released and taxpayers on the hook for paying for years of litigation costs. When exonerees finally receive civil awards or settlements, there is an unlimited amount they can receive, and it can end up costing taxpayers a lot more than a state compensation law.¹ Several states require exonerees who receive state compensation and later win federal civil rights lawsuits/settlements to reimburse the state. *Fixed compensation will better protect both wrongfully convicted people and Montana taxpayers.*

Montana's compensation law is out of step with the majority of states. Thirty-Five states, Washington D.C., and the federal government provide compensation to exonerees. The majority of those states provide at least \$50,000 in monetary compensation for each year the innocent person was wrongly incarcerated. While Montana enacted an exoneree compensation law in 2003 that provides educational aid to DNA exonerees, this does little to address the immediate and long term needs of the wrongfully convicted and the program hasn't been sufficiently funded. *It's time for Montana to revisit its compensation law and adequately compensate those wrongfully convicted.*

Montana has a responsibility to compensate exonerees for the years unjustly taken from them.

¹ For example, the state settled with Jimmy Ray Bromgard for \$3.5 million for his wrongful conviction.